

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Cooper et al.

Title: NOVEL BENZOYL PEROXIDE
COMPOSITIONS

Appl. No.: 10/677,857

Filing Date: 10/3/2003

Examiner: Thane E. Underdahl

Art Unit: 1651

Confirmation 4616
Number:

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to

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antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(c), before the mailing date of either a final action under 37 CFR §1.113, a notice of allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application.

RELEVANCE OF EACH DOCUMENT

Any document listed on the attached PTO/SB/08 was cited as being relevant during the prosecution of the corresponding Japanese and U.S. patent application(s). Copies of the Notice of Rejections for Japanese Patent Application Nos. 2001-583733 and 2001-529425 are attached, as well as two Office Actions for related U.S. Patent Application Nos. 11/979,231 and 10/701,064.

Please note that U.S. Patent Nos. 5,656,299, 6,177,103, 6,316,029, and U.S. Patent Publication No. 2002/0012675 are not listed on the PTO/SB/08. These references were already cited in the present application. An English-language Abstract is provided for JP 6-227967, as well as English-language counterparts.

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

FEE

A credit card payment form in the amount of \$180.00 is enclosed in accordance with 37 CFR §1.17(p) to cover the fee associated with an information disclosure statement under 37 CFR §1.97(c) in the amount of \$180.00.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this submission under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

By Michele M. Simkin

Date: April 21, 2009

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